

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

No. 14-1228 C

(Judge Thomas C. Wheeler)

GUSC ENERGY, INC.,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

DEFENDANT'S LIST OF EXHIBITS

Pursuant to the Court's Pretrial Order dated January 11, 2016, defendant, the United States of America, serves this list of exhibits that defendant expects to offer into evidence at trial. As indicated in the Court's order, defendant has attempted to avoid duplicating exhibits listed by plaintiff, and reserves the right to offer into evidence any exhibit listed on plaintiff's exhibit list. Defendant reserves the right to amend, supplement, or otherwise modify the attached list as necessary and for good cause. Pursuant to the Court's order, defendant reserves the right to offer into evidence additional exhibits not identified on the attached list for purposes of cross-examination or rebuttal. Additionally, defendant reserves the right to use demonstrative exhibits at trial.

Pursuant to the Court's order, to the extent possible, the exhibits listed below have been numbered in chronological order, with the earliest dated exhibit first. Expert witness exhibits and summaries have been listed last.

May 20, 2016

Respectfully submitted,

/s/ Jennifer D. Auchterlonie
JENNIFER D. AUCHTERLONIE
Attorney of Record
COURTNEY M. HUTSON
JASON S. SELMONT
Trial Attorneys
U.S. Department of Justice
Tax Division
Court of Federal Claims Section
Post Office Box 26
Ben Franklin Post Office
Washington, D.C. 20044
Tel: (202) 616-2901
Fax: (202) 514-9440
Jennifer.D.Auchterlonie@usdoj.gov

CAROLINE D. CIRAOLO
Acting Assistant Attorney General
DAVID I. PINCUS
Chief, Court of Federal Claims Section
G. ROBSON STEWART
Assistant Chief, Court of Federal Claims Section

/s/ G. Robson Stewart
Of Counsel

<u>Exhibit #</u>	<u>Identification Range</u>	<u>Date</u>	<u>Title/Description</u>
DX-1	PLA000279 - 000448	11/11/2011	Biomass Combined Heat and Power Project Feasibility Study (and appendices, exhibits, and descriptive specifications)
DX-2	Exhibit 5 to Deposition of Michael W. Oswald	January, 2012	U.S. Department of Energy, Steam Tip Sheet #20: Replace Pressure-Reducing Valves with Backpressure Turbogenerators
DX-3	TREAS000205 - 000247	4/15/2014	Summary of General Condition Costs and supporting documents
DX-4	GEN002275-002278	6/13/2014	Invoice & Supporting Documentation re: 2014 Steam and Electricity Billing
DX-5	Exh. 6 to GUSC Energy Deposition	3/11/2015	Griffiss Utility Service Corporation, Board of Directors, Meeting Notes
DX-6	USA-GUSC-000008 – 000011	4/5/2016	Website: EIA – Mild Weather, ample natural gas supply curb Northeast winter power and natural gas prices
DX-7	REGAN-0010 - 0011	4/12/2016	Invoice dated 4/12/2016 from Kevin Regan Logging Ltd.
DX-8	TREAS000333-000334	undated	Request for Additional Information regarding TAN #2012E45BC064314
DX-9	TREAS000335 - 000348	undated	GUSC Energy, Biomass Energy Production, Section 1603 Treasury Grant: Annual Report Summary
DX-10	GEN 04894 - 04899	undated	Application for 1603: Payments for Specified Renewable Energy Property in Lieu of Tax Credits (Property that has already been placed in service)
DX-11	TREAS000455 – 000458	undated	Section 1603 Terms and Conditions regarding TAN #2012E45BC064314
DX-12	Exh. 8 to GUSC Energy Deposition	undated	GUSC Energy, Inc.’s Annual Performance Report and Certification – Year 1

DX-13	Exh. 9 to GUSC Energy Deposition	undated	GUSC Energy, Inc.'s Annual Performance Report and Certification – Year 2
DX-14	GEN 06822	undated	GUSC Energy Inc., Monthly Heating Report, April 2016 (through April 28, 2016)
DX-15	REGAN-0012 - 0013	various	Receipts of wood chip deliveries from Kevin Regan Logging Ltd.
DX-16	REGAN-0014 - 0017	various	Receipts of wood chip deliveries from Kevin Regan Logging Ltd.
DX-17	n/a	1/29/2016	Expert Report of Trent Markell, P.E. (including appendices)
DX-18	n/a	2/9/2016	Rebuttal to Plaintiff's Expert Report by Trent Markell, P.E.